

Remarks

This paper is in response to the non-final Office Action dated June 19, 2007. The instant Office Action rejects pending claims 1, and 14-27. Applicants thank the Examiner for indicating that the pending claims would be allowable if Applicants amended claim language to overcome the §112 first paragraph rejection. The current amendments to the claims overcome the Examiner's § 112 rejection. No new subject matter has been added. Applicants also attach a clean version of all pending claims for the Examiner's convenience.

Amendments to the Claims

Claims 1, 14, 18, and 19 have been amended in this response. Claims 1, 18 and 19 have been amended to overcome the Examiner's § 112 rejection. Claim 1 has been amended to recite a coated metal electrode comprising a coating and an overcoating. The coating comprises a sulfur containing moiety in its molecular structure, and does not result in a loss of the sensing characteristics of the electrode. Additionally, the coating is selected from a group consisting of 2-mercaptoethanol, 2-mercaptoethylamine, thiophene, L-cysteine, L-cystine, D-cysteine, D-cystine, L-homocysteine, D-homocysteine, and helps to increase the temporal stability of the coated electrode as compared to an uncoated electrode.

Independent claim 18 has been amended to recite a method of preparing a metal electrode stabilized by contacting the metal electrode with a substance having a sulfur moiety and thereafter contacting the electrode with a surfactant so as to obtain a metal coated electrode. The coating does not result in a loss of the sensing characteristics of the electrode, and helps to increase the temporal stability of the coated electrode as compared to an uncoated electrode.

Additionally, amended claim 19 recites a method for sensing an analyte using a coated metal electrode comprising a coating of a sulfur containing moiety, and an overcoating of surfactant. Furthermore, the coating does not result in a loss of the sensing characteristics of the electrode, and helps to increase the temporal stability of the coated electrode as compared to an uncoated electrode.

Claim Rejections under 35 USC § 112

Claims 1, and 14-27 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Particularly, the Examiner states that the recitation of a coating “not resulting in a loss of the electrode’s ability to measure current” is not supported by the specification as filed, since the original disclosure does not mention that the sensing characteristic of the electrode was ‘measuring current’. Applicants have amended the claim language to overcome the Examiner’s rejection, and clearly define the claimed invention. Claim 1, as amended, now recites a coated metal electrode wherein the coating does not result in a loss of the sensing characteristics of the electrode. Claims 18 and 19 have also been amended to incorporate this recitation. Applicant’s believe that the amended claims are now in condition for allowance.

Claims 1, and 14-27 are rejected under 35 USC § 112, second paragraph, as being indefinite, for failing to point out and distinctly claim the subject matter which the Applicants regard as the invention.

Claims 1, 18 and 19 have been amended to recite that the coating on the metal electrode does not result in a loss of the sensing characteristics of the coated electrode. Furthermore, claim 14 has been amended to correct its dependency. Amended claim 14 now depends on independent claim 1. The Examiner has stated that claims 1, 18 and 19 recite the coating to have 3-carboxythiophene and 4-carboxythiophene which represents incorrect chemical nomenclature due to the symmetry of the thiophene molecule. Applicants assert that these terms, namely, 3-carboxythiophene and 4-carboxythiophene *were not recited* in claims 1, 18, and 19, in Applicants communication dated April 13, 2007, to the Office Action dated January 26, 2007, requesting a RCE.


The amendments made in this response place all the claims in condition for allowance.

CONCLUSION

Applicants believe that the presently pending claims are allowable. However, should any issues remain, the Examiner is urged to telephone the undersigned Attorney for Applicant in the event that such a communication is deemed to expedite allowance of this application.

Dated: August 24, 2007

Respectfully submitted,


By _____
George Xiris
Registration No.: 38,664
NUTTER McCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-3746
Fax: (617) 310-9746
Attorney for Applicant